

THE DEATH PENALTY IN LAW AND IN PRACTICE

CHINA



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THE DEATH PENALTY
IN LAW AND IN PRACTICE

CHINA

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AREA 9 596 961 KM²

CAPITAL CITY BEIJING

POPULATION 1,410,710,000 (2023, WORLD BANK)

OFFICIAL LANGUAGES STANDARD CHINESE

HEAD OF STATE XI JINPING, PRESIDENT SINCE 15 NOVEMBER 2012

HEAD OF GOVERNMENT LI QIANG, PREMIER SINCE 11 MARCH 2023

MINISTER OF FOREIGN AFFAIRS WANG YI, SINCE 25 JULY 2023

MINISTER OF JUSTICE HE RONG, SINCE 24 FEBRUARY 2023

MINISTRY IN CHARGE OF PRISON ADMINISTRATION

MINISTRY OF JUSTICE (PRISON ADMINISTRATION BUREAU)
AND MINISTRY OF PUBLIC SECURITY

#2

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STATUS
RETENTIONIST

DATE OF THE LAST EXECUTION
2025

NUMBER OF DEATH SENTENCES IN 2024
1000+

NUMBER OF EXECUTIONS IN 2024
1000+

NUMBER OF DEATH ROW PRISONERS AT THE END OF 2024
+

METHOD OF EXECUTION
LETHAL INJECTION, FIRING SQUAD

#3

DEATH PENALTY APPLICATION AND CONDITIONS OF DETENTION OF DEATH ROW PRISONERS

APPLICATION OF THE DEATH PENALTY

China's use of the death penalty is characterised by the unparalleled scale of its application, and by the systemic lack of transparency surrounding capital cases.

Statistics on the death penalty are classified as a State secret,¹ and although some data exists (China Judgments Online, a database listing decisions of the Chinese courts), China has been frequently hindering access to, or outright erasing the available data, including death penalty cases.²

This policy of secrecy makes it hard to evaluate the number of sentences and executions occurring in China each year, but even in the lowest estimations, China's executions and death sentences largely outnumber the rest of the world combined.³

The method of execution currently used is the lethal injection, using a mixture of barbiturates, muscle relaxant and potassium chloride. Introduced in 2000, lethal injections have been favoured over executions by firing squads from 2009.⁴

The executions usually take place in prisons, but they have also been carried out in "execution vans": mobile execution chambers that were introduced in 2003.

A 2007 reform introduced the possibility for a death sentence to be pronounced with a two-year suspension period (as opposed to an immediate execution). This provision, a sentence unique to China, known in Chinese as *sihuan zhidu*, provides an automatic commutation of the sentence to life imprisonment or 25 years in prison at the end of the suspension period, if the prisoner does not commit another "heinous" crime. Even if it seems plausible that it could help reduce the number of executions, the net effect of this measure is hard to grasp given the lack of transparency in the Chinese criminal system. Suspended death sentences are subject to less rigorous review procedures than death sentences with immediate execution. There are risks that the sentence is associated with unsafe convictions.⁵

Regarding legal representation, serious difficulties have been reported in capital cases, with attorneys facing pressure from the authorities, as well as being denied access to useful information when building their defence.⁶

In addition to the specific issues linked to the application of the death penalty, many of the 46 crimes for which a death sentence can be imposed do not meet the "most serious

1 The Rights Practice, submission to the Special Rapporteur on extrajudicial, summary, or arbitrary executions, 2022.

2 Dui Hua Foundation, 2023

3 Amnesty International, Death Sentences and Executions in 2024, Global Report, 2025

4 China Daily, "Beijing ready for lethal injections", 16 June 2009, https://www.chinadaily.com.cn/china/2009-06/16/content_8286515.htm

5 The Rights Practice, "Use of Death Penalty in China: Sentencing", 2021 <https://www.rights-practice.org/death-sentences-in-china>

6 Dui Hua Foundation, 2023

crimes" standards (22 of them are non-violent crimes according to China Against the Death Penalty - CADP),⁷ including drug-related offenses. In 2011 and 2015, two reforms removed 22 other non-violent crimes from the list of crimes eligible for capital punishment, although, according to CADP, this did not significantly affect the imposition of the death penalty as these offences were rarely punished by the death penalty anyway.

The scope of the application of the death penalty raises yet other issues. Despite being exempt from the death penalty according to law, mentally unstable people and minors (at the time of the crime) have been sentenced to death in the past. There is a lack of clear procedures in assessing mental health. Foreign nationals from a variety of countries have also been sentenced to death and executed in China, although executions of foreign nationals are rare.

One of the biggest concerns regarding capital punishment in China is its potential use as a political tool. China has also been suspected of using the death penalty as a means of geopolitical pressure (see the example of Robert Schellenberg, a Canadian national sentenced to death amid diplomatic tensions between Canada and China).⁸

CONDITIONS ON DEATH ROW

The lack of available information makes it hard to paint an accurate picture of the reality of death row in China, but the conditions still raise concerns among observers. There is no separate death row and prisoners sentenced to capital punishment are detained in the same detention centres as other prisoners, many of these premises are overcrowded and unsanitary, with inadequate access to food and medical care being reported.

In 2015, the UN Committee Against Torture condemned the systematic use of shackles and handcuffs on the prisoners sentenced to death. Other forms of torture have been reported as being an institutional part of Chinese prisons, as well as cases of extrajudicial killings in the detention centres.⁹

COMMUTATIONS AND RETRIALS

China does not have a clemency nor an amnesty mechanism.

According to Article 67 and 80 of the Chinese Constitution, the President can issue special pardons, which have to be validated by the National People's Congress Standing Committee in order to be granted. Although, in theory, this provides the possibility of an amnesty for prisoners facing the death penalty, in practice the measure has not been used for such cases.

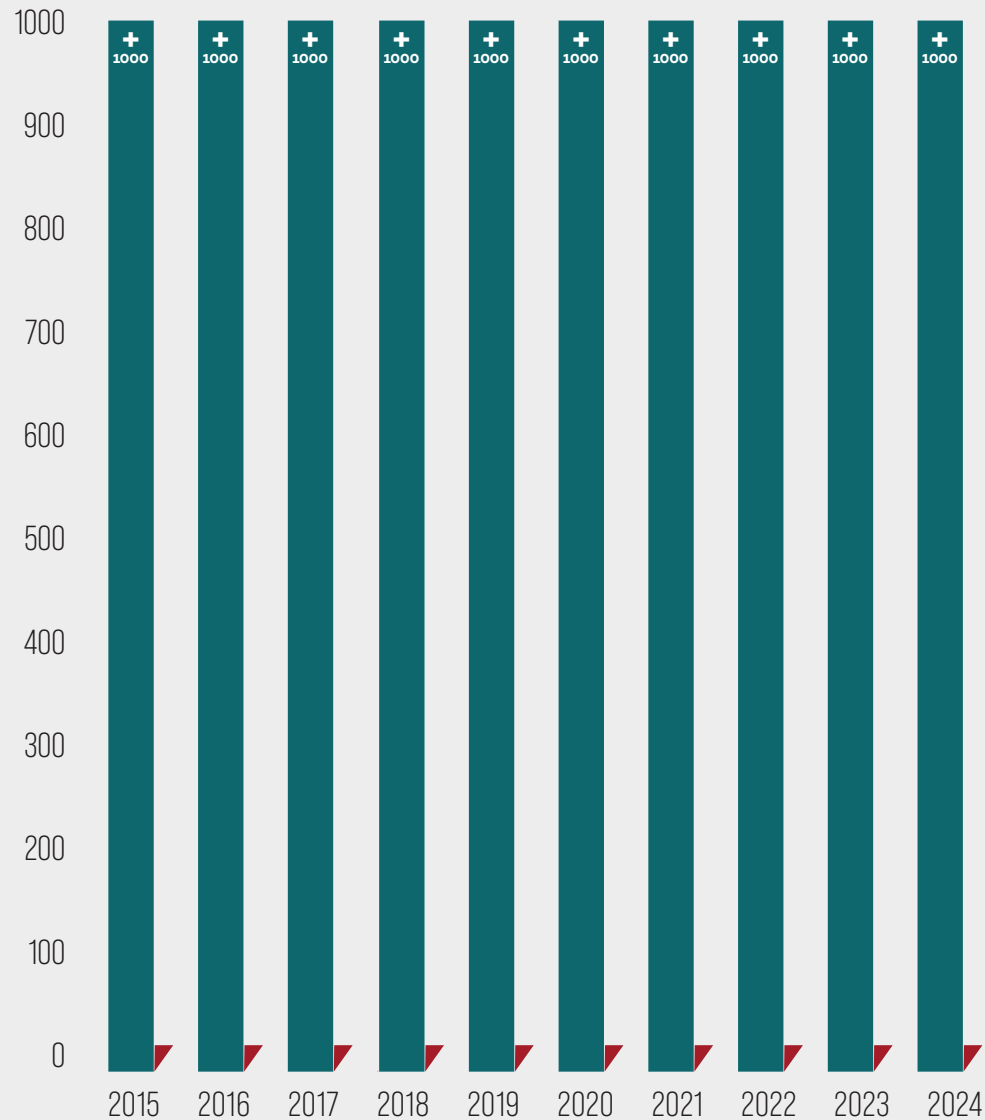
Since the introduction of Article 50 of the Criminal Law, (reform of 2007), in the case of a suspended death sentence, the sentence shall be commuted to life in prison after expiration of the two-year period, or to 25 years of imprisonment if the prisoner had a "meritorious performance". There is no similar right for a prisoner facing immediate execution to apply for the sentence to be commuted.

7 China Against the Death Penalty, "The Status Quo of China's Death Penalty and the Civil Society Abolitionist Movement", 15 February 2022, <https://worldcoalition.org/2022/02/15/china-death-penalty-2022/>

8 Dui Hua Foundation, 2020

9 The Rights Practice, "Respect for Minimum Standards? Report on the Death Penalty in China", 2020

EVOLUTION OF THE NUMBER OF EXECUTIONS OVER THE LAST 10 YEARS



#6

NATIONAL LEGAL FRAMEWORK

There are **2 primary legislative texts** that provide for the death penalty in China, which in total represent **46 articles** providing for offences that are punishable by death:

- **The Criminal Law, 1979 (last amended in 2023):** this text precisely defines the crimes punishable by the death penalty, including both violent (homicide, robbery with violence, etc.) and non-violent offences (drug-related offences and certain economic crimes). It sets out the specific conditions and circumstances under which the death penalty may be imposed in China.
- **The Criminal Procedure Law, 2018:** this law organizes the entire criminal judicial process, including fundamental safeguards such as the right to legal counsel, mandatory appeals, review procedures, and legal aid. It also establishes the requirement that all death sentences must be reviewed and approved by the Supreme People's Court before execution can occur.

#7

LIST OF LEGISLATIVE PROVISIONS ON THE DEATH PENALTY

CRIMINAL LAW OF THE PEOPLE'S REPUBLIC OF CHINA, 1979 (LAST AMENDED IN 2023) [37 PROVISIONS]

- Article 48** The death penalty shall only be applied to criminals who have committed extremely serious crimes. If the immediate execution of a criminal punishable by death is not deemed necessary, a two-year suspension of execution may be pronounced simultaneously with the imposition of the death sentence. All death sentences, except for those that according to law should be decided by the Supreme People's Court, shall be submitted to the Supreme People's Court for verification and approval. Death sentences with a suspension of execution may be decided or verified and approved by a Higher People's Court.
- Article 49** The death penalty shall not be imposed on persons who have not reached the age of 18 at the time the crime is committed or on women who are pregnant at the time of trial. Death penalty shall not be given to a person attaining the age of 75 at the time of trial, unless he has caused the death of another person by especially cruel means.
- Article 50** Where a suspended death sentence is given, and if during the enforcement of the suspended sentence there are no intentional crimes, then at the completion of the two-year period, it is commuted to indefinite imprisonment; if there is truly major meritorious service, then after the completion of the two-year period, it is commuted to 25 years imprisonment; if an intentional crime is committed, and the circumstances are heinous, carry out the death sentence after reporting to the Supreme People's Court for review and verification; where there is an intentional crime but the death penalty is not carried out, the period of the suspended death sentence is newly calculated and it is reported to the Supreme People's Court for recording. For a recidivist or a convict of murder, rape, robbery, abduction, arson, explosion, dissemination of hazardous substances or organized violence who is sentenced to death with a reprieve, the people's court may, in sentencing, decide to put restrictions on commutation of his sentence in light of the circumstances of the crime committed.
- Article 51** The term of suspension of execution of a death penalty shall be counted from the date the judgment becomes final. The term of a fixed-term imprisonment that is commuted from a death penalty with suspension of execution shall be counted from the date the suspension of execution expires.
- Article 57** Any criminal who is sentenced to death or to life imprisonment shall be deprived of his political rights for life. When a death penalty with a suspension of execution is commuted to a fixed-term imprisonment, or a life imprisonment is commuted to a fixed-term imprisonment, the term of the supplementary punishment of deprivation of political rights shall be changed to not less than three years but not more than 10 years.

- Article 78** The punishment of a criminal sentenced to public surveillance, criminal detention, fixed-term imprisonment or life imprisonment may be commuted if, while serving his sentence, he conscientiously observes prison regulations, accepts education and reform through labour and shows true repentance or performs meritorious services; the punishment shall be commuted if a criminal performs any of the following major meritorious services:
(1) preventing another person from conducting major criminal activities;
(2) informing against major criminal activities conducted inside or outside prison and verified through investigation;
(3) having inventions or important technical innovations to his credit;
(4) coming to the rescue of another in everyday life and production at the risk of losing his own life;
(5) performing remarkable services in fighting against natural disasters or curbing major accidents; or
(6) making other major contributions to the country and society.
After commutation, the actually executed term of criminal penalty shall not be:
[...] (3) less than 25 years if the death penalty with a reprieve imposed on a convict is legally commuted to life imprisonment upon expiration of the reprieve period, or less than 20 years if it is commuted to imprisonment of 25 years upon expiration of the reprieve period, where the people's court has put restrictions on commutation of the death penalty with a reprieve according to paragraph 2, Article 50 of this Law.
- Article 113** Whoever commits any of the crimes of endangering national security as mentioned above in this Chapter, with the exception of those provided for in Paragraph 2 of Article 103 and in Articles 105, 107 and 109,¹⁰ if the crime causes particularly grave harm to the State and the people or if the circumstances are especially serious, may be sentenced to death. [...]
- Article 115** Whoever commits arson, breaches a dike, causes explosion, spreads poisonous or radioactive substances, or infectious-disease pathogens or other substances, or uses other dangerous means, thereby inflicting serious injury or death on people or causing heavy losses of public or private property, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death. [...]
- Article 119** Whoever sabotages any means of transport, transportation facility, electric power facility, gas facility, or inflammable or explosive equipment, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death. [...]
- Article 121** Whoever hijacks any aircraft by means of violence, coercion or by any other means shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; any hijacker who causes serious injury to or death of any other person or serious damage to the aircraft shall be sentenced to death.

¹⁰ 1. Betrayal of the Country (Article 102)
2. Armed rebellion, and rioting (Article 104)
3. Collaborating with the enemy and betrayal (Article 108)
4. Spying or espionage (Article 110)
5. Stealing, spying, buying, and illegally providing state secrets and intelligence abroad (Article 111)
6. Providing material support to the enemy (Article 112)

Article 125 Whoever illegally manufactures, trades in, transports, mails or stores any guns, ammunition or explosives shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death. Whoever illegally manufactures, trades in, transports or stores poisonous or radioactive substances, infectious disease pathogens or other substances, thereby endangering public security, shall be punished in accordance with the provisions of the preceding paragraph. Where a unit commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the first paragraph.

Article 127 Whoever steals or forcibly seizes any guns, ammunition or explosives, or steals or forcibly seizes poisonous or radioactive substances, infectious disease pathogens or other substances, thereby endangering public security, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death. Whoever robs any guns, ammunition or explosives, or robs poisonous or radioactive substances, infectious disease pathogens or other substances, thereby endangering public security, or steals or forcibly seizes any guns, ammunition or explosives from State organs or members of the armed forces, the police or the people's militia, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Article 141 Whoever produces or sells any counterfeit drug shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine; if any serious harm is thus caused to human health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the death of a person is thus caused or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than ten years, life imprisonment, or death and a fine or forfeiture of property. Where any employee of an entity using drug products knowingly provides a counterfeit drug to others for use, the employee shall be punished in accordance with the provision of the preceding paragraph.

Article 144 Whoever mixes poisonous or harmful non-food raw materials into food produced or sold or knowingly sells food mixed with poisonous or harmful non-food raw materials shall be sentenced to imprisonment of not more than 5 years and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and a fine; or if any human death is caused or there is any other especially serious circumstance, shall be punished according to the provisions of Article 141 of this Law.

Article 232 Whoever intentionally commits homicide shall be sentenced to death, life imprisonment or fixed-term imprisonment of not less than 10 years; if the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 234 Whoever intentionally inflicts injury upon another person shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

Whoever commits the crime mentioned in the preceding paragraph, thus causing severe injury to another person, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if he causes death to the person or, by resorting to especially cruel means, causes severe injury to the person, reducing the person to utter disability, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death, except as otherwise specifically provided in this Law.

Article 236 Whoever rapes a woman by violence, coercion or any other means shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Whoever has sexual intercourse with a girl under the age of 14 shall be deemed to have committed rape and shall be given a heavier punishment.

Whoever rapes a woman or has sexual intercourse with a girl under the age of 14 shall, in any of the following circumstances, be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death:

- (1) the circumstances being flagrant;
- (2) raping a number of women or girls under the age of 14;
- (3) raping a woman before the public in a public place;
- (4) raping a woman with one or more persons in succession; or
- (5) causing serious injury or death to the victim or any other serious consequences.

Article 239 Whoever abducts another person for extortion or abducts another person as a hostage shall be sentenced to fixed-term imprisonment not less than ten years or life imprisonment, and be fined or be sentenced to confiscation of property; or if the circumstances are less serious, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years, and be fined. Whoever commits the crime as described in the preceding paragraph and causes the death of the abducted person or kills the abducted person shall be sentenced to death and confiscation of property. Whoever steals an infant for extortion shall be punished under the preceding two paragraphs.

Article 240 Whoever abducts and traffics in a woman or child shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if he falls under any of the following categories, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property:

- (1) being a ringleader of a gang engaged in abducting and trafficking in women and children;
- (2) abducting and trafficking in three or more women and/or children;
- (3) raping the woman who is abducted and trafficked in;
- (4) enticing or forcing the woman who is abducted and trafficked in to engage in prostitution, or selling such woman to any other person who would force her to engage in prostitution;

- (5) kidnapping a woman or child by means of violence, coercion or anaesthesia for the purpose of selling the victim;
- (6) stealing a baby or an infant for the purpose of selling the victim;
- (7) causing serious injury or death to the woman or child who is abducted and trafficked in or to her or his relatives or any other serious consequences; or
- (8) selling a woman or a child out of the territory of China.

By abducting and trafficking in a woman or child is meant any of the following acts: abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim.

Article 248 Any policeman or other officer of an institution of confinement like a prison, a detention house or a custody house who beats a prisoner or maltreats him by subjecting him to corporal punishment, if the circumstances are serious shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years. If he causes injury, disability or death to the victim, he shall be convicted and given a heavier punishment in accordance with the provisions of Article 234 or 232 of this Law [life imprisonment or death].

Any policeman or other officer who instigates a person held in custody to beat or maltreat another person held in custody by subjecting him to corporal punishment, the policeman or officer shall be punished in accordance with the provisions of the preceding paragraph.

Article 263 Whoever robs public or private property by violence, coercion or other methods shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; whoever falls under any of the following categories shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death and shall also be fined or sentenced to confiscation of property:

- (1) intruding into another person's residence to rob;
- (2) robbing on board the means of public transportation;
- (3) robbing a bank or any other banking institution;
- (4) committing robbery repeatedly or robbing a huge sum of money;
- (5) causing serious injury or death to another person in the course of robbery;
- (6) impersonating a serviceman or policeman in robbing;
- (7) robbing with a gun; or
- (8) robbing military materials or the materials for emergency rescue, disaster relief or social relief.

Article 289 Where people are gathered to commit "beating, smashing or looting", thus causing injury, disability or death to a person, the offenders shall be convicted and punished in accordance with the provisions of Article 234 or 232 of this Law. If public or private money or property is destroyed, damaged, or forcibly taken, the offenders shall be ordered to return the money or property or make compensation and, in addition, the ringleaders shall be convicted and punished in accordance with the provisions of Article 263 of this Law.

Article 292 Where people are gathered to engage in affrays, the ringleaders and the active participants shall be sentenced to fixed-term imprisonment of not more than

three years, criminal detention or public surveillance; the ringleaders and the active participants who fall under any of the following categories, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years:

- (1) gathering people to engage in affrays repeatedly;
- (2) the number of people gathered to engage in affrays is large and so is the scale, thus bringing about a bad effect on society;
- (3) gathering people to engage in affrays in public places or on vital traffic lines and causing serious public disorder; or
- (4) gathering people to engage in affrays with weapons.

Where people are gathered to engage in affrays, thus causing serious injury or death to a person, he shall be convicted and punished in accordance with the provisions of Article 234 or 232 of this Law.

Article 317 Ringleaders who organize a jailbreak and the active participants shall be sentenced to fixed-term imprisonment of not less than five years; other participants shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Ringleaders who instigate a riot to escape from prison or gather people to raid a prison with weapons and the active participants shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; if the circumstances are especially serious, they shall be sentenced to death; other participants shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 347¹¹ Whoever smuggles, traffics in, transports or manufactures narcotic drugs, regardless of the quantity involved, shall be investigated for criminal responsibility and given criminal punishment.

Whoever smuggles, traffics in, transports or manufactures narcotic drugs and falls under any of the following categories, shall be sentenced to fixed-term imprisonment of 15 years, life imprisonment or death and also to confiscation of property:

- (1) persons who smuggle, traffic in, transport or manufacture opium of not less than 1,000 grams, heroin or methylaniline of not less than 50 grams or other narcotic drugs of large quantities;
- (2) ringleaders of gangs engaged in smuggling, trafficking in, transporting or manufacturing narcotic drugs;
- (3) persons who shield with arms the smuggling, trafficking in, transporting or manufacturing of narcotic drugs;
- (4) persons who violently resist inspection, detention or arrest to a serious extent; or
- (5) persons involved in organized international drug trafficking. [...]

¹¹ Article 347 of the current Criminal Law maintains the same basic standards for conviction and sentencing in drug-related crimes, including the possibility of the death penalty for «particularly serious cases.» However, the latest judicial interpretation (effective April 11, 2016) provides a more detailed sentencing framework, especially regarding the quantities that constitute «large amounts» of various narcotic drugs. This interpretation clarifies thresholds for substances beyond opium and heroin, such as cocaine, MDMA, fentanyl, and others, specifying the minimum quantities that trigger harsher penalties, including the death penalty. Recent legal practice and commentary indicate that while the death penalty remains available, its application has become more narrowly focused on the most egregious cases, reflecting a trend toward restricting its use to circumstances deemed «especially serious» by the courts. [Source: Supreme People's Court Interpretation on Several Issues Concerning the Applicable Law in Trial of Drug Crime Cases (2016) : <https://www.chinalawtranslate.com/en/2016-Drug-Crimes-Interpretation/#:~:text=Supreme%20People's%20Court%20Interpretation>]

- Article 369** Whoever sabotages weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; whoever sabotages major weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.
Whoever unintentionally commits the crime mentioned in the preceding paragraph, thus causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.
Whoever in wartime commits any of the crimes mentioned in the preceding two paragraphs shall be given a heavier punishment.
- Article 370** Whoever knowingly provides substandard weapons or equipment or military installations to the armed forces shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death. [...]
- Article 421** Any serviceman who disobeys an order during wartime, thereby jeopardizing a military operation, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if heavy losses are caused to a battle or campaign, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.
- Article 422** Any serviceman who intentionally conceals or makes a false report about the military situation, refuses to convey a military order or conveys a false military order, thereby jeopardizing a military operation, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if heavy losses are caused to a battle or campaign, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.
- Article 423** Any serviceman who cares for nothing but saving his skin on the battlefield voluntarily lays down his arms and surrenders to the enemy shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.
Any serviceman who, after surrendering to the enemy, works for the enemy shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.
- Article 424** Any serviceman who deserts from the battlefield shall be sentenced to fixed-term imprisonment of not more than three years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if heavy losses are caused to a battle

- or campaign, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.
- Article 426** Those who use methods such as violence or coercion to obstruct command personnel or on-duty personnel in the performance of their duties are sentenced to up to five years imprisonment or short-term detention; where the circumstances are serious, the sentence is between five and ten years imprisonment; and where circumstances are especially serious the sentence is ten years or more imprisonment or indefinite imprisonment. A heavier sentence shall be imposed during times of war.
- Article 430** Any serviceman who, in performing his duties, leaves his post without permission or defects from China or does so when being outside of the country, thus jeopardizing the military interests of the State, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years.
Any serviceman who, piloting an aircraft or a vessel, defects, or if there are other especially serious circumstances involved, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.
- Article 431** Whoever, by means of stealing, spying or buying, illegally obtains military secrets shall be sentenced to fixed-term imprisonment of not more than five years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years.
Whoever steals, spies into or buys military secrets for or illegally offers such secrets to the agencies, organizations or individuals outside the territory of China shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.
- Article 438** Whoever steals or forcibly seizes weapons, equipment or military supplies shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.
Whoever steals or forcibly seizes firearms, ammunition or explosives shall be punished in accordance with the provisions of Article 127 of this Law.
- Article 439** Whoever illegally sells or transfers weapons or equipment of the armed forces shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if a large amount of weapons or equipment is sold or transferred or if there are other especially serious circumstances involved, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.
- Article 446** Any serviceman who, during wartime, cruelly injures innocent residents in an area of military operation or plunders their money or property shall be sentenced to

fixed-term imprisonment of not more than five years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

CRIMINAL PROCEDURE LAW, REVISED IN 2018 [9 PROVISIONS]

Article 35 A criminal suspect or defendant who has not entrusted a defender due to financial difficulties or other reasons, the criminal suspect or defendant himself/herself or his/her close relatives may file an application with a legal aid agency which may designate a lawyer as his/her defender where the application satisfies the conditions for legal aid services. [...]

Where a criminal suspect or defendant committing a crime punishable by life imprisonment or capital punishment has not entrusted a defender, the people's court, the people's procuratorate and the public security organ concerned shall inform a legal aid agency to designate a lawyer as his/her defender.

Article 208 A people's court shall pronounce the judgment on a case of public prosecution within two months or, not later than three months, upon acceptance thereof. For a case involving the crime punishable by capital punishment or an incidental civil case under any of the circumstances as specified in Article 158 herein, the period may be extended for three months upon approval of a people's court at the next higher level. If the period needs to be further extended under special circumstances, an application shall be made to the Supreme People's Court for approval. If jurisdiction of a people's court over a case is altered, the time limit for handling the case shall be calculated from the date on which another people's court receives the case after the alteration.

As to a case for which a people's procuratorate has to conduct supplementary investigation, the people's court shall start to calculate anew the time limit for handling the case after the supplementary investigation has been completed and the case has been transferred to it.

Article 243 A people's court of second instance shall close the trial of a case of appeal or protest within two months upon acceptance of the case. For a case in which the defendant commits a crime punishable by capital punishment or an incidental civil case that is under any of the circumstances as listed in Article 158 herein, the time limit may be extended by two months upon approval or decision by a high people's court at the level of province, autonomous region or municipality directly under the Central Government. Where further extension is needed under special circumstances, an application shall be submitted to the Supreme People's Court for approval.

The Supreme People's Court shall decide the time limit for trial of the cases of appeal or protest accepted thereby.

Article 246 Death sentences shall be subject to approval by the Supreme People's Court.

Article 247 A case of first instance where an Intermediate people's court has imposed a death sentence and the defendant does not appeal shall be reviewed by a high

people's court and submitted to the Supreme People's Court for approval. If the high people's court does not agree with the death sentence, it may bring the case up for trial or remand the case for retrial.

Cases of first instance where a high people's court has imposed a death sentence and the defendant does not appeal, and cases of second instance where a death sentence has been imposed shall all be submitted to the Supreme People's Court for approval.

Article 248 A case where an intermediate people's court has imposed a death sentence with a two-year suspension of execution, shall be subject to approval by a high people's court.

Article 249 Reviews by the Supreme People's Court of cases involving death sentences and reviews by a high people's court of cases involving death sentences with a suspension of execution shall be conducted by collegial panels each composed of three judges.

Article 250 The Supreme People's Court shall make a ruling on approval or non-approval of the death penalty sentence when reviewing a case involving death penalty sentence. If the Supreme People's Court disapproves the capital punishment sentence, it may remand the case for retrial or revise the sentence.

Article 251 In reviewing a case involving capital punishment sentence, the Supreme People's Court shall interrogate the defendant, and consult the defense lawyer if so requested by the defense lawyer.

The Supreme People's Procuratorate may present its opinions to the Supreme People's Court when the latter reviews a case involving capital punishment sentence. The Supreme People's Court shall notify the review results of the case to the Supreme People's Procuratorate.

INTERNATIONAL LEGAL FRAMEWORK

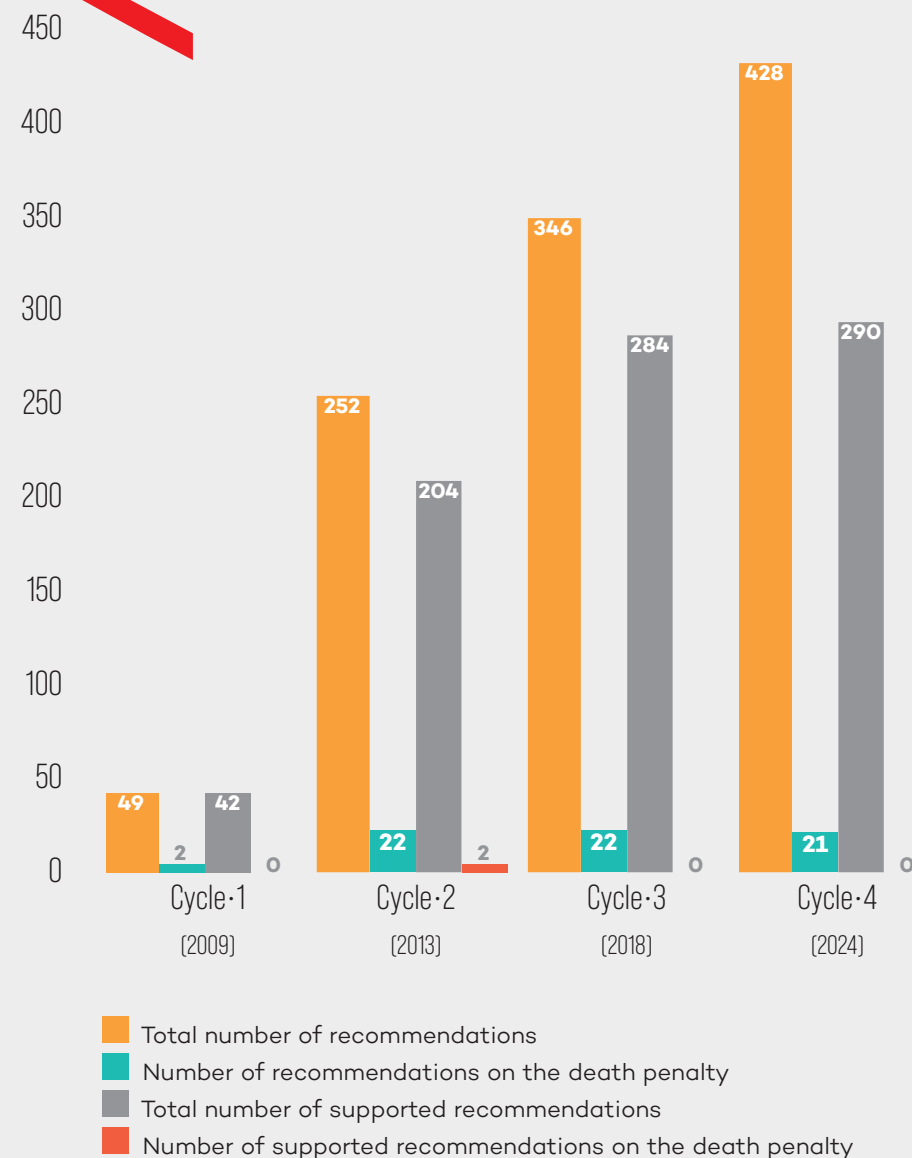
MAIN INTERNATIONAL TEXTS ON THE ABOLITION OF THE DEATH PENALTY

TEXT	DATE OF RATIFICATION OR ACCESSION
International Covenant on Civil and Political Rights, 1966	X
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty, 1989	X
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, 1984	4 October 1988 (ratification)
Optional Protocol of the Convention against Torture, 2002	X
Convention on the Rights of the Child, 1989	2 March 1992 (ratification)

VOTE ON THE UNITED NATIONS GENERAL ASSEMBLY RESOLUTION CALLING FOR A UNIVERSAL MORATORIUM ON THE USE OF THE DEATH PENALTY



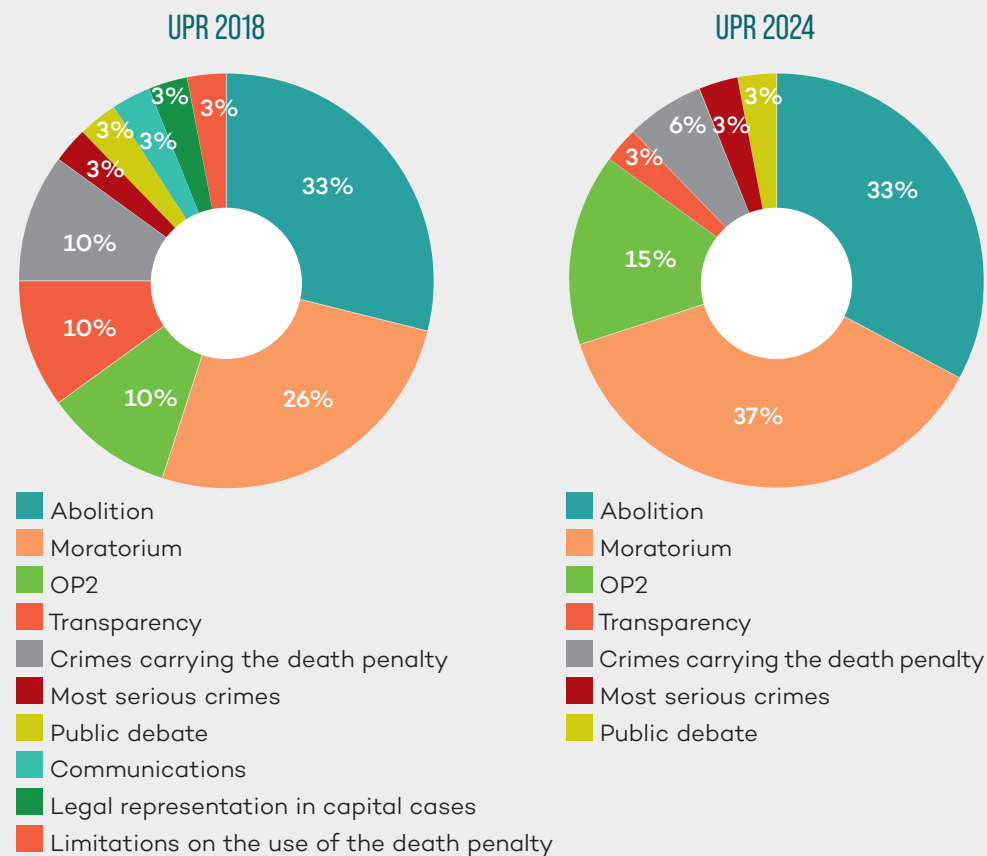
UNIVERSAL PERIODIC REVIEWS



RECOMMENDATIONS RELATING TO THE DEATH PENALTY ISSUED TO CHINA IN 2024

No.	RECOMMENDATION	Number	Supported	Noted
22.10	Ratify the International Covenant on Civil and Political Rights and its Second Optional Protocol, aiming at the abolition of the death penalty (Estonia) (New Zealand)	2		2
22.11	Ratify the International Covenant on Civil and Political Rights and its Optional Protocols (Liechtenstein); Ratify the International Covenant on Civil and Political Rights and its two Optional Protocols (Spain)	2		2
22.82	Reduce the number of crimes punishable by the death penalty and encourage public debate on its abolition (Chile)	1		1
22.83	Restrict the death penalty to crimes that meet the threshold of the most serious crimes under international law (Belgium)	1		1
139.12	Stop the application of the death penalty as punishment for non-violent criminal offences, and take measures for a moratorium on the application of capital punishment (Brazil)	1		1
139.13	Consider a moratorium on the application of the death penalty (Colombia)	1		1
139.14	Consider the establishment of a moratorium on the use of the death penalty with the aim of working towards its total abolition (Cyprus)	1		1
139.15	Establish a moratorium on the death penalty (France)	1		1
139.16	Adopt a moratorium on the death penalty with the objective of its abolition (Portugal)	1		1
139.17	Adopt a moratorium on the death penalty with a view to its complete abolition (Liechtenstein)	1		1
139.18	Establish a moratorium on executions with a view to the abolition of the death penalty (Romania)	1		1
139.22	Establish a moratorium on the death penalty as a first step towards its abolition (Slovenia)	1		1
139.25	Declare a formal moratorium on the death penalty, as a preliminary step to its definitive abolition (Spain)	1		1
139.52	Establish a moratorium on the application of the death penalty and consider the possibility of abolishing it from its legal system (Argentina)	1		1
139.53	Introduce a moratorium on the death penalty, adopt rigorous procedures for reviewing capital sentences and reporting death penalty cases. Provide information on the identity and number of individuals awaiting execution, and on death sentences and executions (Italy)	1		1
139.54	Enact legislation to abolish the death penalty and establish a moratorium as an interim measure (Malta)	1		1
139.55	Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Iceland)	1		1
139.56	Abolish the death penalty (Luxembourg)	1		1
139.57	Abolish the death penalty for all crimes (Norway)	1		1
TOTAL		21	0	21

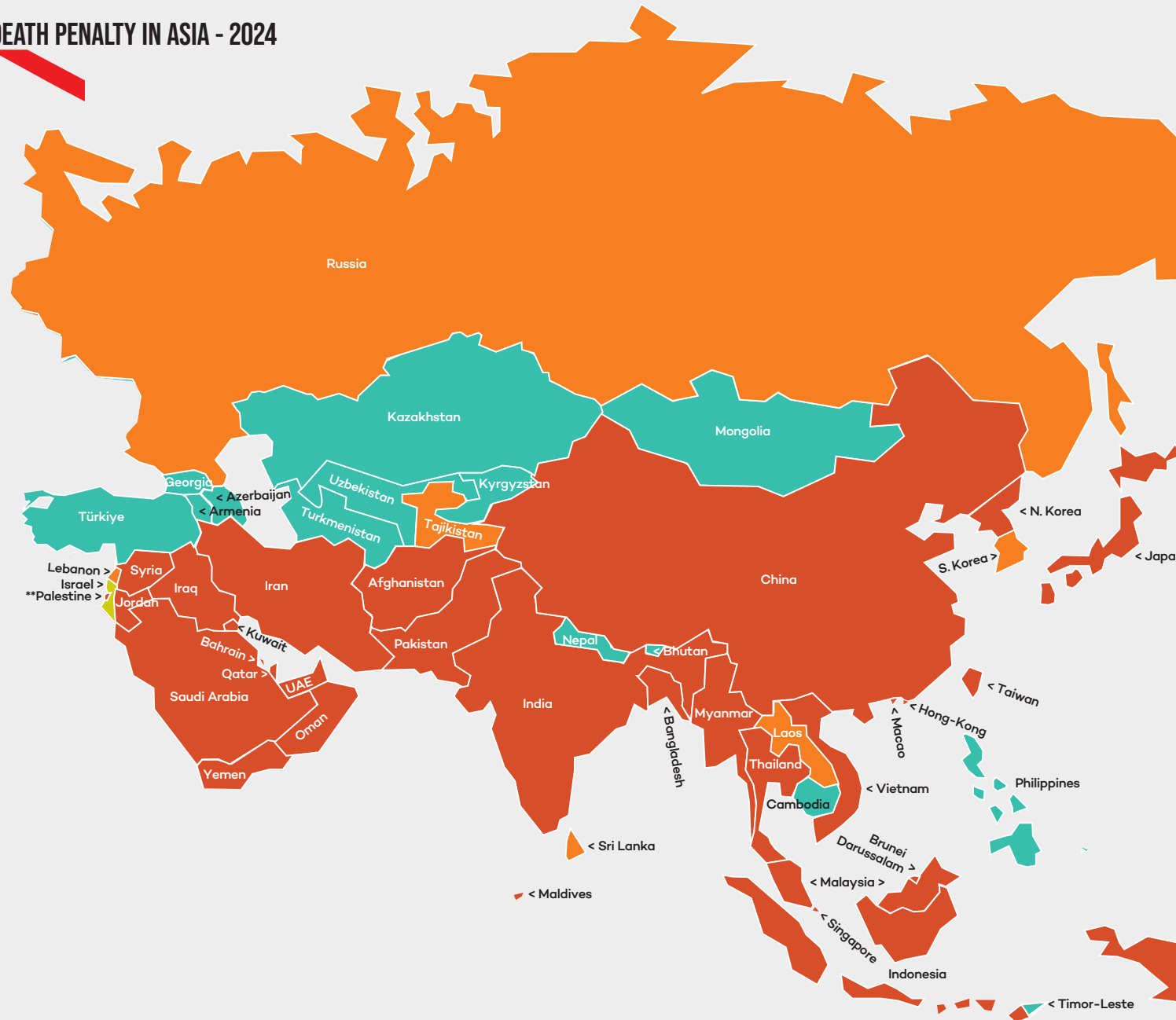
EVOLUTION OF TOPICS OF RECOMMENDATIONS RELATING TO THE DEATH PENALTY ISSUED TO CHINA BETWEEN 2018 AND 2024



China's last UPR confirmed the high priority of the International Community towards the abolition of the death penalty and the establishment of a moratorium on executions, which represented 70% of the overall recommendations received.

Other points of attention regarded the adoption of the OP2, as well as the restriction of the use of the death penalty to fewer offenses, which were addressed multiple times by the states in their recommendations.

THE DEATH PENALTY IN ASIA - 2024



14 ABOLITIONIST STATES FOR ALL CRIMES

States or territories where the death penalty is abolished.

1 ABOLITIONIST STATES FOR ORDINARY CRIMES

States or territories where the death penalty is abolished unless there are exceptional circumstances.

6 STATES WITH A MORATORIUM ON EXECUTIONS

States or territories where the death penalty is implemented but no executions have been carried out for at least 10 years and which did not oppose the latest UN resolution for a universal moratorium on executions and/or having ratified OP2*.

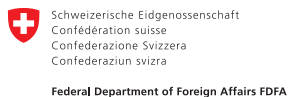
28 RETENTIONIST STATES

States or territories where the death penalty is implemented.

ABOLITION NOW

 ecpm@ecpm.org

 www.ecpm.org



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